

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD DON BROWN,  
Plaintiff,  
v.  
ALLISON, et al.,  
Defendants.

No. 2:22-cv-1571 DAD AC P

FINDINGS AND RECOMMENDATIONS


Plaintiff is a state prisoner proceeding without counsel in a civil rights action pursuant to 42 U.S.C. § 1983. On May 30, 2025, the court screened the first amended complaint and found that plaintiff's allegations against defendant Dr. Young were sufficient to state a medical deliberate indifference claim. ECF No. 21 at 4-5. The court also found that plaintiff's allegations against defendants Allison, Covello, and County of Ione did not state claims for relief, and that plaintiff failed to state any § 1983 claims against any defendant based on deliberate indifference regarding his pain medication or conditions of confinement, lost or stolen property, alleged HIPAA violations, or violations of California Government Code § 845.6. ECF No. 21 at 5-7, 12-13. Plaintiff was given the options of amending the complaint or proceeding immediately on his cognizable Eighth Amendment medical deliberate indifference claim against defendant Dr. Young. *Id.* at 7, 12-13. He was further advised that if, within twenty-one days from the date of the order, he failed to notify the court how he wanted to proceed, the court would assume that he

1 was choosing to proceed on the complaint as screened and would recommend dismissal without  
2 prejudice of plaintiff's Eighth Amendment deliberate indifference claims based on his pain  
3 medication and conditions of confinement, HIPAA claim, and state law claims, as well as  
4 defendants Allison, Covello, and County of Ione would be voluntarily dismissed without  
5 prejudice pursuant to Federal Rule of Civil Procedure 41(a). Id. at 12-13. The time for plaintiff  
6 to notify the court as to how he wishes to proceed has now passed, see id. at 12, and plaintiff has  
7 not made an election or otherwise responded to the order.

8 Accordingly, IT IS HEREBY RECOMMENDED that for the reasons set forth in the May  
9 30, 2025, Screening Order (ECF No. 21 at 4-7, 12-13), plaintiff's Eighth Amendment deliberate  
10 indifference claims based on his pain medication and conditions of confinement, HIPAA claim,  
11 and state law claim, as well as defendants Allison, Covello, and County of Ione, be dismissed  
12 without prejudice.

13 These findings and recommendations are submitted to the United States District Judge  
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
15 after being served with these findings and recommendations, plaintiff may file written objections  
16 with the court. Such a document should be captioned "Objections to Magistrate Judges Findings  
17 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
18 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
19 (9th Cir. 1991).

20 DATED: July 28, 2025

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22 ALLISON CLAIRE  
23 UNITED STATES MAGISTRATE JUDGE  
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